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# TCEQ ENVIRONMENTAL CRIMES INVESTIGATORS PURSUE WORST WILLFUL POLLUTERS

*Agency member of Texas Environmental  
Enforcement Task Force*

Imperial Drive winds through a residential area in eastern Travis County, before it becomes a heavily wooded, desolate road that eventually dead-ends at the Colorado River. The southernmost stretch of the road is one few people would ever stop at—the perfect location for an illegal dumping ground.

On the morning of June 3, 2005, Reginald Dane Parker was attending to a haul of stolen copper wire there. He had used the site before, and was in the process of burning the insulation off to expose the copper, when he was confronted by four armed law enforcement officials. As it turns out, they had been monitoring the crime by way of two hidden surveillance cameras attached to nearby trees. (To watch the hidden-camera video, go to [www.tceq.texas.gov/goto/outlook-1202](http://www.tceq.texas.gov/goto/outlook-1202).)

Coming after months of investigation, this arrest resulted in a successful conviction on charges of illegal disposal of hazardous waste, through the efforts of the Texas Environmental Enforcement Task Force, which is the state's own environmental crimes police department.

## **A State Coalition**

Created in 1991, the Texas Environmental Enforcement Task Force is composed of designated staffers from several agencies, including the Texas Commission on Environmental Quality, Texas Parks and Wildlife, the U.S. Environmental Protection Agency, the Travis County District Attorney's Office, the Texas Attorney General's Office, the General Land Office, the Texas Railroad Commission, the Governor's Office, the U.S. Attorney's Office, and the Federal Bureau of Investigation.

The offenses it investigates cover a wide range, including illegal dumping, illegal transportation and disposal of hazardous waste, illegal discharge of waste and pollutants into the waters of the state, violations of rules for public drinking water, and fraud involving TCEQ programs.

## **The TCEQ Squad**

An environmental crime can often be summed up in one of three words, according to Dan McReynolds, the manager of the TCEQ Environmental Crimes Unit. "Lying, stealing, or cheating—and there is usually a monetary motive behind it."

For instance, the illegal dumper doesn't want to pay to have the material disposed of properly. The illegal or unauthorized discharges could be the result of a company not wanting to spend the money to upgrade the wastewater treatment facility. False reporting to the agency could be the result of a company trying to save money by not implementing upgrades. The individual who provides false information to obtain a TERP grant is seeking a financial incentive that they are not entitled to."

McReynolds' staff of nine dedicated environmental crime investigators, along with two attorneys, makes up the agency's partnership in the task force. Currently the TCEQ has seven investigators stationed throughout the state (in the Dallas-Fort Worth, Corpus Christi, Beaumont, El Paso, San Antonio, and Houston regions), and two at the agency's headquarters, in Austin. The two attorneys provide legal support and counsel to the investigators regarding the interpretation of statutes, search-warrant affidavits, and grand-jury language, as well as help to identify the strengths and weaknesses of an investigation, provide some measure of consistency in the prosecution of the cases, and assure that constitutional rights are not being violated.

## Benefits of Cooperation

"Protecting our state's environmental resources from crime could not be done without this partnership," says McReynolds. "For instance, we recently had a state-led search warrant and the Office of the Attorney General provided computer forensics for the case. Texas Parks and Wildlife has been instrumental in providing aerial support for surveillance, laboratory support for environmental analyses, and game wardens to execute search warrants. The EPA's Criminal Investigation Division has also provided agents to assist with search warrants. It's definitely a team effort."

Furthermore, since 1995, the TCEQ has provided training to selected local law-enforcement personnel who serve as an extension of the task force.

## Texas Environmental Enforcement Task Force FY 1993 – FY 2011

|                                    |                        |
|------------------------------------|------------------------|
| <b>Corporate convictions</b>       | <b>72</b>              |
| <b>Individual convictions</b>      | <b>250</b>             |
| <b>Total convictions</b>           | <b>322</b>             |
| <b>Felony counts</b>               | <b>440</b>             |
| <b>Misdemeanor counts</b>          | <b>166</b>             |
| <b>Years of prison confinement</b> | <b>188</b>             |
| <b>Years of probation</b>          | <b>671</b>             |
| <b>Total fines</b>                 | <b>\$41,353,213.32</b> |
| <b>Total restitution</b>           | <b>\$7,697,438.50</b>  |

"Over 1400 peace officers and enforcement-related officers have attended this specialized training to help them better perform their jobs in environmental enforcement at the local level. This enables the ECU investigators to concentrate on some of the more egregious and complex cases. Further, there may be situations that arise where the ECU investigator can call their law-enforcement contact for assistance. There are instances where a witness may need to be located or someone with a better grasp of the local knowledge regarding a situation can be accessed by contacting that officer."

## Due Process

Environmental crime cases can originate at the TCEQ's regional offices, enforcement division, or litigation division, or at a dedicated program, such as the Texas Emissions Reduction Plan. The agency also receives tips directly from the public.

However a case originates, once that initial call comes in to the ECU, a criminal investigation can take months, even years, to run its course, from complaint to conviction.

Much like a municipal law enforcement team investigating a local crime, the ECU participates in the execution of search warrants, conducts witness

interviews, analyzes documentation and data, and writes a detailed investigative report that is submitted to the prosecutor. The investigators are routinely tasked to summarize the evidence for a grand jury and must often testify before a grand jury in order to obtain an indictment.

"Trial preparation is typically one of the more involved parts of the case," says McReynolds. "One of the things to



**Texas Environmental Crimes Prosecutor, Patty Robertson**

remember is that during a civil process, it is 'the preponderance of the evidence,' but in a criminal process, it is 'beyond a reasonable doubt.' After an indictment and before trial, other pertinent information may come out and additional investigative time is spent tracking down possible additional witnesses, defense-theory leads, and extraneous offenses that may have been committed by the target of the investigation."

TCEQ photo by Douglas Falls

In the 20-year span since the task force began, that thorough process has resulted in a total of 322 convictions, 188 years in prison, 671 years of probation, and \$41 million in fines.

## A Dedicated Prosecutor

In 2009, the TCEQ and Travis County announced the hiring of a dedicated environmental crimes prosecutor: Assistant District Attorney Patty Robertson.

“Since 1994, the Travis County District Attorney’s Office has worked closely with the TCEQ and the Environmental Enforcement Task Force to successfully prosecute environmental crimes across

the state,” Robertson says. “Having someone on staff whose only job is to take on these crimes has allowed us to resolve these cases faster.”

In just the two years since her hiring, Robertson has successfully secured 18 convictions, totaling \$3.5 million in fines.

“We are primarily focusing on water-code offenses, such as unauthorized discharges of wastes or pollutants, and violations related to hazardous waste. The fraud offenses are prosecuted as tampering with governmental records and securing execution of a document by deception. We have also prosecuted large illegal-dumping cases.”

## Following Through

The TCEQ’s involvement in environmental crime cases doesn’t end after the conviction of those involved. If resolution for remediation cannot be obtained, sites that are found to have been contaminated as a result of these crimes are restored, at the state’s expense, through the agency’s remediation division.

The Imperial Drive illegal dumpsite, which was found to have high levels of antimony, lead, and copper, has since been cleaned up, at a cost of \$72,568.97.

Afterward, Travis County fenced off the area. 🌿



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